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14P9/Reg'd PCT/PTO 15 SEP 2005

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96480

Yukihiko MASHIMA

Appln. No.: National Stage of PCT/JP2005/005601

Confirmation No.: Unknown

Group Art Unit: Unknown

Filed: September 15, 2006

Examiner: Unknown

For: METHOD FOR DIAGNOSING OR PREDICTING SUSCEPTIBILITY TO OPTIC
NEUROPATHY

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

A copy of an International Search Report in a counterpart application is submitted herewith. The USPTO should receive copies of the references cited in the International Search Report from the International Bureau. Applicant will furnish any missing references upon request.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action

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on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents (International Search Report for PCT/JP2005/005601 and Written Opinion of the International Searching Authority dated February 3, 2006), together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

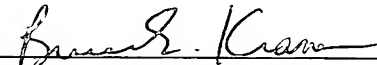
Respectfully submitted,

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Date: September 15, 2006

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 15 SEP 2009

MODIFIED PTO/SB/08 A & B (08-03)

Substitute for Form 1449 A & B/PTO <u>INFORMATION DISCLOSURE</u> <u>STATEMENT BY APPLICANT</u> <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	National Stage of PCT/JP2005/005601
				Confirmation Number	Unknown
				Filing Date	September 15, 2006
				First Named Inventor	Yukihiko MASHIMA
				Art Unit	Unknown
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	Q96480

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US			
		US			
		US			
		US			
		US			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		WO	02/22881	A	03/21/2002	DZGENES, LLC	
		WO	02/24747	A2	03/28/2002	EPIDAUROS BIOTECHNOLOGIE AG	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶
		MICHAEL D. BROWN, ET AL, "PHYLOGENETIC ANALYSIS OF LEBER'S HEREDITARY OPTIC NEUROPATHY MITOCHONDRIAL DNA'S INDICATES MULTIPLES INDEPENDENT OCCURRENCES OF THE COMMON MUTATIONS", HUMAN MUTATION, VOL. 6, NO. 4, 1995, PAGES 311-325, XP009054854, ISSN: 1059-7794	
		D. A. HOLLANDER, ET AL, "OUTFLOW PATHWAY ANOMALIES ASSOCIATED WITH MULTIPLE CYP1B1 MUTATIONS IN CONGENITAL GLAUCOMA", ARVO ANNUAL MEETING ABSTRACT SEARCH AND PROGRAM PLANNER, VOL. 2003, 2003, PAGE ABSTRACT NO. 1117, XP009054897 & ANNUAL MEETING OF THE ASSOCIATION FOR RESEARCH IN VISION AND OPHTHALMOLOGY; FORT LAUDERDALE, FL, USA; MAY 04-08, 2003	
		X. BU, ET AL, "X CHROMOSOME-LINKED AND MITOCHONDRIAL GENE CONTROL OF LEBER HEREDITARY OPTIC NEUROPATHY EVIDENCE FROM SEGREGATION ANALYSIS FOR DEPENDENCE ON X CHROMOSOME INACTIVATION", PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA, VOL. 88, NO. 18, 1991, PAGES 8198-8202, XP002347836	
		P. F. CHINNER, ET AL, "THE MITOCHONDRIAL ND6 GENE IS A HOT SPOT FOR MUTATIONS THAT CAUSE LEBER'S HEREDITARY OPTIC NEUROPATHY", BRAIN, VOL. 124, NO. 1, January 2001, PAGES 209-218, XP002347837, ISSN: 0006-8950	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.